

MELINDA HAAG (CABN 132612)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

ROBIN L. HARRIS (CABN 123364)
BENJAMIN KINGSLEY (NYBN 4758389)
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7200
Fax: (415) 436-7234
robin.harris2@usdoj.gov
benjamin.kingsley@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 14-0306 WHA
)	
Plaintiff,)	
)	
v.)	UNITED STATES' MOTION TO STRIKE
)	DEFENDANT'S FILINGS
LUKE D. BRUGNARA,)	
)	
Defendant.)	

On June 2, 2015, defendant made six handwritten filings with this Court. Dkt. 653–658. Defendant is now represented by counsel. Dkt. 639 (appointing George Boisseau and Dena Young for all purposes). As this Court repeatedly instructed defendant when he was previously represented by Attorney Babcock, Dkt. 143, 172, 327; CR 08-00222, Dkt. 402, 412, he is not permitted to file pro se when represented by an attorney. The government moves to strike these six filings, as they were not made by defendant's counsel.

One of the filings purports to “notif[y] this Court” and “affirm[]” defendant's pro se status. Defendant is no longer pro se. As this Court has previously explained to defendant, Dkt. 327, if he wishes to go pro se, he must make a motion through his attorney. If he does make such a motion, this

1 Court should deny it based on defendant's exceptional misconduct during trial. *See, e.g., Faretta v.*
2 *California*, 422 U.S. 806, 834 (1975) (a court "may terminate self-representation by a defendant who
3 deliberately engages in serious and obstructionist misconduct"); *McKaskle v. Wiggins*, 465 U.S. 168,
4 173 (1984) (explaining that if defendant cannot "abide by rules of procedure and courtroom protocol"
5 such that trial cannot move forward, this court may exercise its discretion to terminate defendant's self-
6 representation); *United States v. Mack*, 362 F.3d 597, 601 (9th Cir. 2004) ("A defendant does not forfeit
7 his right to representation at trial when he acts out. He merely forfeits his right to represent himself in
8 the proceeding.").

9
10 Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

13 DATED: June 3, 2015

14 /s/
15 ROBIN L. HARRIS
16 BENJAMIN KINGSLEY
17 Assistant United States Attorneys
18
19
20
21
22
23
24
25
26
27
28